Chapter DHS 105.17, Wis. Admin. Code Page 1 of 9

Division of Quality Assurance F-00262A (06/2013)

# PERSONAL CARE AGENCY APPLICATION REGULATORY GUIDANCE CHECKLIST Agency Policies, Procedures, and Forms

This DQA form is designed to assist personal care agencies that are applying for Medicaid certification in the State of Wisconsin by providing regulatory guidance for the development of agency policies and procedures and forms.

I. AGENCY POLICIES AND PROCEDURES					
Use the following guidance in the development of your agency policies and procedures.					
I-Tag	Торіс				
Personi	nel Management (I-100 to I-116)				
I-100	105.17(1n) The personal care provider shall document and implement a system of personnel management, if more than one personal care worker is employed or under contract.				
I-101	105.17(1n)(a)1 The personnel management system includes				
	Periodically* evaluate every personal care worker and RN supervisor employed by or under contract with the provider according to provider policy for quality of performance and adherence to the provider's policies and this chapter and DHS 107.112. Evaluations shall be followed up with appropriate action.**				
	* Specify "periodically" with frequency, e.g., "three months after hire, annually, and as needed."  ** "Appropriate action" asks the evaluator to summarize what behaviors they and the employee will take to continue satisfactory performance.				
I-102	105.17(1n)(a)2 The personnel management system includes				
	Provide orientation and ongoing* instruction for registered nurse (RN) supervisors and personal care workers (PCW).				
	PCWs shall receive orientation before** providing services to a client.				
	The titles*** of those responsible for conducting orientation and training shall be specified in the plan. The plan shall include a system for providing instruction when an evaluation of the RN or PCW performance or competency indicates additional instruction may be needed. (The RN must oversee PCW supervision and the RN may delegate training to other personnel.****)				
	* Orientation takes place upon hire and throughout employment.  ** Keep a document that proves PCW orientation took place before seeing a client and document ongoing training.  *** Policy must provide the title of person(s) responsible for training.  **** Policy must include orientation program method of recognizing when added training is needed.				
I-103	105.17(1n)(a)2.a Orientation shall include Policies and objectives of the provider.				
I-104	105.17(1n)(a)2.b Orientation shall include:				
	Information concerning specific job duties. Training shall be provided for each skill the personal care worker is assigned shall include a successful demonstration* of each skill by the PCW to the qualified trainer under the supervision of the F supervisor prior to providing the service to a client independently.*				
	Guidance  * Return demonstration of skills must be addressed in policy and procedures.  ** All training must take place before the PCW performs the skill by himself/herself.				
I-105	105.17(1n)(a)2.c Orientation shall include:				
	The functions of personnel employed by the provider and how they interrelate and communicate with each other in providing services.				
	Guidance				
	Your agency's policy must provide an employee orientation which provides information on (1) the roles of all staff members; (2) the sharing of information, after hours reporting, cell phone use; and (3) interrelationships among employees and office staff, e.g., receptionist, intake manager, PCW, RN supervisor, administrator, human resources, office manager, etc. as you utilize them.				

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Guidance This rule is saking that the PCW receive instruction on in-home health and safety procedures in terms of safety issues arising in the home environment, interpersonal relationships, identifying and reporting these.  1-107 105.17(1n)(a)2.e Orientation shall include: Epidemiology, modes of transmission and prevention of infections, and the need for routine use of current infection control measures as recommended by the US Centers for Disease Control and Prevention.  Guidance Your agency's policy needs to include an orientation program that explains how disease is spread, how to prevent the spread of disease, directions on use of alcohol-based or other approved waterfess hand-washing products, and when to use gioves. Refer to "CDC Hand Hygiene in Healthcare Sattings" at: http://www.cdc.gov/mand/hygiene/  1-108 105.17(1n)(a)2.f Orientation shall include: Responding to medical" and non-medical"* emergencies. Guidance Your agency's policy needs to include the personal care worker's responsibilities within the home setting in case of medical emergencies (filmess, injuny, etc.).  1-109 105.17(1n)(a)2.g Orientation shall include: Ethics, confidentality of client information, and client rights.  1-110 105.17(1n)(a)3.g Orientation shall include: Ethics, confidentality of client information, and client rights.  1-101 105.17(1n)(a)3.g Orientation shall include: 1-102 105.17(1n)(a)3.g Orientation shall include: 1-103 105.17(1n)(a)3.g Orientation shall include: 1-104 105.17(1n)(a)3.g Orientation shall include: 1-105 105.17(1n)(a)3.g Orientation shall include: 1-105 105.17(1n)(a)3.g Orientation shall include: 1-105 105.17(1n)(a)3.g Orientation shall include: 1-109 105.17(1n)(	I-106	105.17(1n)(a)2.d Orientation shall include:			
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I-117		substantially related decisions, and the Caregiver Misconduct Registry, see DQA publication, P-00038, The Wisconsin			
A personal care agency shall develop and implement written policies for control of communicable diseases that take into consideration control procedures incorporated by reference in ch. DHS 145 and that ensure that employees with symptoms	Infection	n Control (I-117 to I-121)			
A personal care agency shall develop and implement written policies for control of communicable diseases that take into consideration control procedures incorporated by reference in ch. DHS 145 and that ensure that employees with symptoms	I-117	105.17(1r)(a)			
		consideration control procedures incorporated by reference in ch. DHS 145 and that ensure that employees with symptoms			

	physician or physician assistant or advance practice nurse. (continued)			
	Guidance			
	The personal care provider shall ensure that each new employee, (1) prior to having direct contact with clients, (2) is certified in writing by a physician, physician assistant, or registered nurse as having been (3) screened for tuberculosis and clinically apparent communicable disease that may be transmitted to a client during the normal performance of the employee's duties. The screening shall occur within 90 days before the employee has direct client contact.			
I-119	screened for clinically apparent communicable disease** by a physician physician assistant or registered nurse based			
	Guidance			
	* Describe a frequency the agency will implement for periodic screening, e.g., every six months, annually, etc. If you are in a geographic or demographic area with a higher likelihood of exposure to communicable disease, you must screen more frequently to satisfy public health policy.			
	** This includes TB and other communicable diseases. The agency shall have records on hand proving that employee screening was completed.			
Client S	ervices Acceptance (I-122 to I-124)			
I-122	The personal care provider shall assess prospective client's appropriateness to be served by the provider without delay, unless the reason for the delay is justifiable and documented, and accept a client only if there is reasonable expectation that the client's needs can be met by the provider. If the provider accepts the applicant as a client, the provider shall promptly provide services to the individual. If the provider does not accept an applicant as a client, the provider shall inform the applicant of other personal care service providers in the area or how to obtain a list of those providers.*			
	Guidance			
	* Include this as a policy and as part of the service agreement.			
I-123	105.17(1w)(b)1			
	The provider shall provide, in writing, prior to or at the time of accepting the person as a client, each client or the client's legal representative all of the following:			
	The provider's rules and the client's responsibilities under the provider's rules.			
	Guidance			
	You may include these on the document of client rights.			
I-124	105.17(1w)(b)2			
	The provider shall provide, in writing, prior to or at the time of accepting the person as a client, each client or the client's legal representative all of the following:			
	The procedures indicating the complaint or grievance process which shall include a statement on how the client can make a complaint to the department.			
	Guidance			
	Your agency's policy needs to include the following information:			
	Division of Quality Assurance / Bureau of Health Services P.O. Box 2969 Madison, WI 53701-2969 (608) 266-8481 (800) 642-6552			
	To file an on-line complaint: <a href="http://www.dhs.wisconsin.gov/bqaconsumer/healthcarecomplaints.htm">http://www.dhs.wisconsin.gov/bqaconsumer/healthcarecomplaints.htm</a>			
	<b>Optional:</b> Provide the client with DQA form F-62069A, Personal Care Agency Complaint Report, accessible at: <a href="http://dhs.wisconsin.gov/forms/DQAnum.asp">http://dhs.wisconsin.gov/forms/DQAnum.asp</a>			
Client R	ights (I-125 to I138)			
	Il 14 "rights" listed below in a separate section entitled "Client Rights." Do not add any rights, omit any rights, or reword any you want to expand on these rights, do so as part of I-123 in a statement of client responsibilities and provider rules.			
I-125	105.17(1w)(b)3			

The provider shall provide, in writing, prior to or at the time of accepting the person as a client, each client or the client's legal representative all of the following:

	A statement of client's rights.		
I-126	105.17(1w)(b)3.a		
	The statement of client rights shall include:		
	To be fully informed of these rights and of all the provider's rules governing client responsibilities.		
I-127	105.17(1w)(b)3.b		
	The statement of client rights shall include:		
	To be fully informed of services available from the provider.		
I-128	105.17(1w)(b)3.c		
	The statement of client rights shall include:		
	To be informed of all changes in services and charges as they occur.		
I-129	105.17(1w)(b)3.d		
	The statement of client rights shall include:		
	To participate in the planning of services, including referral to a health care institution or other provider and to refuse to participate in experimental research.		
I-130	105.17(1w)(b)3.e		
	The statement of client rights shall include:		
	To have access to information about the client's health condition to the extent required by law.		
I-131	105.17(1w)(b)3.f		
	The statement of client rights shall include:		
	To refuse service and to be informed of the consequences of that refusal.		
I-132	105.17(1w)(b)3.g		
	The statement of client rights shall include:		
	To confidential treatment of personal and medical records and to approve or refuse their release to any individual outside the provider, except in the case of transfer to another provider or health facility, or as otherwise permitted by law.		
I-133	105.17(1w)(b)3.h		
	The statement of client rights shall include:		
Ш	To be treated with consideration, respect and full recognition of dignity and individuality, including privacy in treatment and in		
	care for personal needs.		
I-134	105.17(1w)(b)3.h		
	The statement of client rights shall include:		
	To be taught the service required so that the client can, to the extent possible, help himself or herself.		
I-135	105.17(1w)(b)3.i		
	The statement of client rights shall include:		
	To have a person designated by the client taught the service required so that, to the extent possible, the person designated can understand and help the client.		
I-136	105.17(1w)(b)3.j		
	The statement of client rights shall include:		
	To have one's property treated with respect.		
I-137	105.17(1w)(b)3.k		
	The statement of client rights shall include:		
	To complain about the care that was provided or not provided, and to seek resolution of the complaint without fear of recrimination.		
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I-138	105.17(1w)(b)3.l			
	The statement of client rights shall include:			
	To have the client's family or legal representative exercise the client's rights when the legal representative is legally authorized to do so.			
Service	Agreement (I-139)			
I-139	105.17(1w)(c)			
	Before* services are provided, the personal care provider shall inform the client,  • orally and in writing, of			
	<ul> <li>the extent to which payment may be expected from other sources,**</li> </ul>			
	<ul> <li>the charges for services that will not be covered by other sources,*** and</li> </ul>			
	charges that the individual may have to pay.****			
	Guidance			
	* The expectation is that policy and practices shall reflect that the agency will, <b>before</b> services begin, discuss with and provide a written document which:			
	<ul> <li>** States the dollar amount other sources pay for the agency's services (e.g., medical assistance, VA or private insurance reimbursement).</li> </ul>			
	• *** States the dollar amount charged to the client for services not covered by other sources.			
	• **** States the dollar amount the individual client may have to pay (Usually the amount is \$0.00.).			
Client Records (I-140 to I-143)				
I-140	Maintain all of the following records, if required in this section or s. DHS 107.112, for each client:			
	The nursing assessment, physician prescription, plan of care, personal care worker's assignment and record of all assignments, and record of registered nurse supervisory visits.			
I-141	105.17(1w)(d)2			
	The record of all visits by the personal care worker, including observations and assigned activities completed and not completed.			
	Guidance			
	The agency's policy and PCW daily visit forms shall reflect the above.			
I-142	105.17(1w)(d)3			
	Written acknowledgement of receipt by the client of the client's rights and responsibilities, provider rules and policies, and the department statement on how to register a complaint.			
	Guidance			
	The agency's policy and PCW daily visit forms shall reflect the above.			
Dischar	ge of a Client (I-145 to I-159)			
I-145	105.17(1w)(f)1 and 2			
	A personal care provider may discharge a client only for one or more of the reasons listed in subds. 2, 3, or 6, <b>and only after discussing</b> the reasons for the discharge with the client or the client's legal representative and the client's attending physician, when the physician has ordered personal care services, and <b>providing written notice</b> to the client or client's legal representative within the timelines specified in this paragraph.			
I-146	105.17(1w)(f)2.a			
	The personal care provider shall provide written notice to the client or the client's legal representative at least ten calendar days in advance of the discharge if the reason for the discharge is either of the following:  The provider is unable to provide the personal care services required by the client due to either a change in the client's			
	conditions that is not an emergency or the provider's documented inability to staff the case.			

I-147	105.17(1w)(f)2.b  The personal care provider shall provide written notice to the client or the client's legal representative at least ten calendar days in advance of the discharge if the reason for the discharge is either of the following:  Non-payment for services.		
I-148	105.17(1w)(f)3.a		
	The property of the shall provide written policy to the client of the client's level representative at the time of		
I-149	105.17(1w)(f)3.b		
	The personal care provider shall provide written notice to the client or the client's legal representative at the time of discharge if the reason for service termination is the result of any of the following:		
	The attending physician orders the discharge of the client for emergency medical reasons.		
I-150	105.17(1w)(f)3.c		
	The personal care provider shall provide written notice to the client or the client's legal representative at the time of discharge if the reason for service termination is the result of any of the following:		
	The client no longer needs personal care services as determined by the attending physician.		
I-151	105.17(1w)(f)3.d		
	The personal care provider shall provide written notice to the client or the client's legal representative at the time of discharge if the reason for service termination is the result of any of the following:		
	The client is abusing or misusing the personal care benefit as determined by the department or county agency under s. DHS 104.02(5).		
I-152	105.17(1w)(f)4		
	The personal care provider shall provide written notice to the client or the client's legal representative at the time of discharge if the reason for service termination is the result of any of the following:		
	A copy of the written notice of discharge shall be placed in the client's medical record.		
I-153	105.17(1w)(f)5		
	The personal care provider shall include all of the following in the written notice of discharge required under this paragraph:  The reason the provider is discharging the client.		
 I-154	105.17(1w)(f)5.b		
I-13 <del>4</del>	The personal care provider shall include all of the following in the written notice of discharge required under this paragraph:		
	The assistance the personal care provider is able to provide in arranging for continuity of all necessary personal care services.		
I-155	105.17(1w)(f)5.c		
	The personal care provider shall include all of the following in the written notice of discharge required under this paragraph:  A notice of the client's right to file a complaint with the department if the client believes the discharge does not comply with		
	any of the provisions of this section and the department's toll-free complaint telephone number and the address and telephone number of the department's division of quality assurance.		
I-156	105.17(1w)(f)6.a		
	No written notification is necessary for discharge for any of the following reasons:  The client dies.		
I-157	105.17(1w)(f)6.b		
	No written notification is necessary for discharge for any of the following reasons:  The client changes place of residence to a location in an area not served by the provider.		
I-158	105.17(1w)(f)6.c		
	No written notification is necessary for discharge for any of the following reasons:  The client or the client's legal representative notifies the provider in writing to terminate services.		
I-159	105.17(1w)(f)7		
	Provider shall complete a written discharge summary within 30 calendar days following discharge of client or voluntary termination of services by client or client's legal representative. The discharge summary shall include a description of care		
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provided and reason for discharge. The provider shall place a copy of the discharge summary in the former client's medical record. Upon request, the provider shall provide a copy of the discharge summary to former client, client's legal representative, attending physician, or advance practice nurse prescriber.

## Policy and Job Description: Qualifications and Duties - RN Supervisor The agency's policy AND job description for the RN supervisor must include: ☐ DHS 105.17(2)(a)1 and 2 (introduction) and DHS 105.17(2)(a) Qualifications An RN supervisor shall have all of the following qualifications: Current licensure as a registered nurse under s. 441.06, Wis. Stats. Training and experience in the provision of personal care services or in a related program. ☐ DHS 105.17(2)(a)3 At least one year of supervisory or administrative experience in personal care services or in a related program. ☐ DHS 105.17(2)(b)1-3 *Duties* Evaluate the need for services and make referrals to other services as appropriate. Secure written orders from the client's physician. These orders are to be renewed once every three months unless the physician specifies that orders covering a period of time up to one year are appropriate or when the client's needs change, whichever occurs first. Develop a plan of care for the client, giving full consideration to the client's preferences for service arrangements and choice of personal care workers, interpret the plan to the personal care worker, include a copy of the plan in the client's health record, and review the plan at least every 60 days and update it as necessary. ☐ DHS 105.17(2)(b)3m Promptly notify a client's physician or other appropriate medical personnel and legal representative, if any, of any significant changes observed or reported in the client's condition. ☐ DHS 105.17(2)(b)4-6 Develop appropriate time and service reporting mechanisms for personal care workers and instruct the workers on their use. Give the personal care worker written instructions about the services to be performed and demonstrate to the personal care worker how to perform the services. Evaluate the competency of the personal care worker to perform the services.

### Policy and Job Description: Qualifications and Duties – Personal Care Workers (PCW)

#### The agency's policy AND job description for the PCW must include:

☐ DHS 105.17(3)(b)1-4 Duties

Personal care workers shall perform all of the following duties:

- Perform tasks assigned by the RN supervisor.
- · Report in writing to the RN supervisor on each assignment.
- Promptly report any significant changes observed or reported in the client's condition to the RN supervisor.
- Confer as required with the RN supervisor regarding the client's progress.

☐ See also DHS 107.112(1)(B)1-13

The personal care worker shall be assigned by the supervising registered nurse to specific recipients to do specific tasks for those recipients for which the personal care worker has been trained. The personal care worker's training for these specific tasks shall be assured by the supervising registered nurse. The personal care worker is limited to performing only those tasks and services as assigned for each recipient and for which he or she has been specifically trained.

Covered personal care services include:

- Assistance with bathing
- Assistance with getting in and out of bed
- Teeth, mouth, denture, and hair care (continued)
- Assistance with mobility and ambulation including use of walker, cane, or crutches
- · Changing the recipient's bed and laundering the bed linens and the recipient's personal clothing

- · Skin care excluding wound care
- · Care of eyeglasses and hearing aids
- Assistance with dressing and undressing
- Toileting, including use and care of bedpan, urinal, commode, or toilet
- Light cleaning in essential areas of the home used during personal care service activities
- Meal preparation, food purchasing, and meal serving
- Simple transfers, including bed to chair or wheelchair and reverse (continued)
- Accompanying the recipient to obtain medical diagnosis and treatment
- Services prior authorization
- Delegated tasks by RN

#### **II. AGENCY FORMS**

Use the following information and directions in the development of your agency forms.

☐ 1. Form: Employee Orientation Checklist

See requirements identified in I-102 through I-109.

☐ 2. Form: PCW Daily Assignment Record

The agency's form must include the following for all employees, including the RN supervisor:

- PCW reporting of significant condition changes to RN; communications
- The member and PCW signatures and dates of signatures are required on all records of care
- Signature verifying that RN supervisor reviewed assignment sheet
- Actual start time and end time of personal care each day
- Actual time spent providing Medicaid-covered tasks
- For each task, the record must show one of the three following methods:
  - · Placing a checkmark next to each task completed
  - · Recording the number of minutes spent on each task
  - · Recording the time each task was started and ended

☐ 3. Form: Plan of Care

The plan of care is an instruction sheet for the PCW. It is **NOT** the same as the daily assignment record or the plan of care used to direct skilled nursing activities. A copy of the plan of care should be kept in the home, so that the client and PCW can use it as a reference.

The agency's plan of care must be:

- Dated and initialed when first developed, i.e., effective date
- Updated and initialed every 60 days and as needed
- · Written as instructions addressed to PCW as to PCW care duties
- Kept in the home so that PCW and family can use it for reference
- A restatement of physician orders
- Written in narrative form to include:
  - Frequency, duration of services
  - · Cares described unique to client; not a generic on-size-fits-all checklist

- Functional limitations explaining why the client needs help with brushing dentures, washing face, going to the bathroom, etc
- Demographics
  - · Address, directions to home
  - Supports from family
  - · Language, ability to write
  - Emergency contacts
  - Physician phone, clinic
  - Social/cultural
  - · List of significant chronic health problems
- · Client signature
- PCW signature

#### ☐ 4. Form: RN Supervisory Visit

The agency's RN supervisory visit form must include:

- Whether the supervisory visit took place in the home
- · Whether the PCW demonstrated competence to provide cares
- · Whether the RN evaluated the PCW's competency to provide cares
- Whether client needs added or fewer PCW services
- · Whether client requires referral to additional disciplines or services so that their health needs can be met

#### ☐ 5. Form Notice of Client Discharge from Services

The agency's discharge notice form must include:

- Name of client
- · Date of client discharge
- · Date agency notified the client of discharge
- Indicate, with date and name of agency personnel:
  - That, prior to discharge, agency discussed with client or client's legal representative, the reason(s) for discharge
  - That, prior to discharge, agency discussed the reason(s) for discharge with the physician and obtained a physician's order
- Reason(s) for discharge which describe any one of the following instances:
  - Two instances of written notice 10 calendar days prior to discharge
  - · Four instances of written notice at the time of discharge
  - Other
- **Description of continuity of care** (Describe how the PCA was able to provide the client assistance in arranging for continuity of all necessary personal care services.)
- Information about filing a complaint (Provide client with Division of Quality Assurance's name, address, and toll free phone
  number should client wish to file a complaint with the department regarding disagreement with circumstances of the
  discharge.)

	6.	Form:	Service	Agreement
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The agency must indicate on their service agreement form that the following occurred BEFORE services were provided.

That, orally and in writing, the client was informed of the following:

- · Name of the payment source that funds personal care services
- · Extent to which payment may be expected from other sources
- Charges for services that will not be covered by other funding sources
- Charges that the individual may have to pay (The form must include "none" or "\$0.00," if that is the case.)

The client should keep a signed copy of this agreement and a copy must be placed in the clinical record.

#### ☐ 7. Form: Rights and Responsibilities

The agency's rights and responsibilities form must include the client's signature attesting that the agency informed them of their rights and responsibilities and the telephone and address of the State's complaint agency.

#### □ 8. Form: Employee Screening for TB and Communicable Disease

The agency must develop a questionnaire or a "screening tool" which presents the employee with questions that, when answered, will provide information that will help determine whether or not the employee is symptom-free of communicable diseases before the employee begins to provide care. (See DHS 145.) The form shall be reviewed, signed, and dated by the RN Supervisor or physician. The form may or may not include TB test results.